

**SENATE JOURNAL  
66TH LEGISLATURE  
SEVENTEENTH LEGISLATIVE DAY**

Helena, Montana  
January 29, 2019

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Sales presiding. Invocation by Senator Esp. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Keenan, Chair): 1/29/2019

Correctly printed: **SB 29, SB 49, SB 58, SB 81, SB 85, SB 94, SB 104, SB 180, SB 181, SB 183, SB 184, SR 16, SR 17, SR 18, SR 19, SR 20 SJ 6.**

Transmitted to the House: **SB 37, SB 77, SB 83, SB 87.**

Signed by the Secretary of the Senate at 2:50 p.m., January 28, 2019: **SR 1, SR 2, SR 3.**

Signed by the President at 8:00 a.m., January 29, 2019: **SR 1, SR 2, SR 3.**

Delivered to the Secretary of State at 10:10 a.m., January 29, 2019: **SR 1, SR 2, SR 3.**

**SPECIAL ORDERS OF THE DAY**

Senator Fitzpatrick introduced the Pages for the week:

Garrett Oleson from Helena, sponsored by Senator Ellis  
Celine Schaefer from Helena, sponsored by Senator F. Smith  
Reese Sjostrom from Malta, sponsored by Senator Lang  
Jessa Steele from Manhattan, sponsored by Senator Webb

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Fitzpatrick, Chair): 1/29/2019  
**SB 126**, do pass.

**EDUCATION AND CULTURAL RESOURCES** (Salomon, Chair): 1/28/2019  
**SB 60**, do pass.

**JUDICIARY** (Regier, Chair): 1/29/2019  
**SB 23**, introduced bill, be amended as follows:

1. Page 1, line 11.

**Following:** "vaccinated"

**Strike:** "against" through "disease" on line 12

2. Page 1, line 12.

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**Following:** "medical"

**Strike:** ", "

**Insert:** "or"

**Following:** "religious"

**Strike:** ", or other"

And, as amended, do pass.

**NATURAL RESOURCES** (Welborn, Chair):

1/28/2019

**SJ 3**, do pass.

**PUBLIC HEALTH, WELFARE AND SAFETY** (Howard, Chair):

1/28/2019

**SB 59**, do pass.

**SB 61**, do pass.

**SJ 2**, do pass.

Without objection, committee reports were adopted.

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence:

1/28/2019

**HB 55**, introduced by F. Mandeville

**HB 73**, introduced by K. Dudik

**HB 123**, introduced by A. Doane

**HB 124**, introduced by F. Mandeville

**HB 136**, introduced by K. Dudik

**HB 175**, introduced by J. Dooling

**HB 198**, introduced by N. Duram

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 188**, introduced by S. Malek, referred to Energy and Telecommunications.

**SB 189**, introduced by D. Barrett, B. Bennett, J. Cohenour, J. Ellis, P. Flowers, M. Phillips, J. Pomnichowski, referred to Energy and Telecommunications.

**SB 190**, introduced by M. Phillips, D. Barrett, referred to Energy and Telecommunications.

**SB 191**, introduced by D. Ankney, referred to Energy and Telecommunications.

The following Senate bills, previously introduced, were referred to committees:

**SB 185**, introduced by M. Phillips, referred to Fish and Game.

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**SB 186**, introduced by M. Phillips, referred to Fish and Game.

**SB 187**, introduced by M. Phillips, referred to Fish and Game.

The following Senate joint resolution, previously introduced, was referred to committee:

**SJ 7**, introduced by M. Phillips, referred to Fish and Game.

The following House bills were introduced, read first time, and referred to committees:

**HB 55**, introduced by F. Mandeville (by request of the Department of Environmental Quality), referred to Local Government.

**HB 73**, introduced by K. Dudik (by request of the State Public Defender), referred to Finance and Claims.

**HB 123**, introduced by A. Doane, referred to Local Government.

**HB 124**, introduced by F. Mandeville, referred to Local Government.

**HB 136**, introduced by K. Dudik, C. Knudsen, D. Sands, referred to Judiciary.

**HB 175**, introduced by J. Dooling, M. Blasdel, D. Brown, W. Galt, T. Gauthier, G. Hertz, L. Jones, D. Kary, F. Smith, B. Tschida, referred to Finance and Claims.

**HB 198**, introduced by N. Duram, F. Garner, referred to Judiciary.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Majority Leader Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Richmond in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 119** - Senator Blasdel moved **SB 119** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 92** - Senator Salomon moved **SB 92** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Jacobson, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Vuckovich, Webber, Welborn.  
Total 37

Nays: Blasdel, Brown, Cuffe, Ellsworth, Fielder, Hinebauch, Howard, Kary, Keenan, Mr President, Smith C, Vance, Webb.

Total 13

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 52** - Senator Sands moved **SB 52** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

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Total 0

**SB 20** - Senator R. Webb moved **SB 20** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 49

Nays: McClafferty.

Total 1

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 98** - Senator F. Smith moved **SB 98** do pass. Motion carried as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 101** - Senator K. Regier moved **SB 101** do pass. Motion carried as follows:

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Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Majority Leader Thomas moved the committee **rise and report**. Motion carried. Committee arose. Senate resumed. President Sales presiding.

Senator Richmond moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

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**MOTIONS**

Majority Leader Thomas moved **SB 52**, heard on second reading this date, be re-referred to the Finance and Claims Committee. Without objection, so ordered.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 29** passed as follows:

Yeas: Ankney, Barrett, Bennett, Bogner, Boland, Cohenour, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith F, Tempel, Thomas, Webb, Webber, Welborn.  
Total 38

Nays: Blasdel, Brown, Cuffe, Esp, Fielder, Hinebauch, Keenan, Mr President, Osmundson, Smith C, Vance, Vuckovich.  
Total 12

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 49** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.  
Total 47

Nays: Brown, Fielder, Vance.  
Total 3

Paired: None.

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 58** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 81** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber, Welborn.

Total 45

Nays: Esp, Fielder, Hinebauch, Mr President, Vance.

Total 5

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.



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Total 0

**SB 85** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 94** passed as follows:

Yeas: Ankney, Barrett, Bennett, Blasdel, Bogner, Boland, Brown, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Mr President, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vance, Vuckovich, Webb, Webber, Welborn.

Total 50

Nays: None.

Total 0

Paired: None.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 104** passed as follows:

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Yeas: Barrett, Bennett, Bogner, Boland, Cohenour, Cuffe, Ellis, Ellsworth, Esp, Fielder, Fitzpatrick, Flowers, Gauthier, Gillespie, Gross, Hinebauch, Hoven, Howard, Jacobson, Kary, Keenan, Lang, MacDonald, Malek, McClafferty, McConnell, McNally, Olszewski, Osmundson, Phillips, Pomnichowski, Regier, Richmond, Salomon, Sands, Sesso, Small, Smith C, Smith F, Tempel, Thomas, Vuckovich, Webb, Webber.  
Total 44

Nays: Ankney, Blasdel, Brown, Mr President, Vance, Welborn.  
Total 6

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**MOTIONS**

Senator Webb moved the Senate reconsider its action on **SB 22** which failed on third reading the previous day. The motion passed as follows:

Yeas: Ankney, Blasdel, Bogner, Cuffe, Ellsworth, Esp, Fielder, Fitzpatrick, Gauthier, Gillespie, Hinebauch, Hoven, Howard, Kary, Keenan, Lang, Mr President, Olszewski, Osmundson, Regier, Richmond, Salomon, Small, Smith C, Tempel, Thomas, Vance, Webb, Welborn.  
Total 29

Nays: Barrett, Bennett, Boland, Brown, Cohenour, Ellis, Flowers, Gross, Jacobson, MacDonald, Malek, McClafferty, McConnell, McNally, Phillips, Pomnichowski, Sands, Sesso, Smith F, Vuckovich, Webber.  
Total 21

Paired: None.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Majority Leader Thomas moved that **SB 22** be re-referred to the Judiciary Committee. Without objection so ordered.

**ANNOUNCEMENTS**

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Committee meetings were announced by the committee chairs.

Majority Leader Thomas moved the Senate adjourn until 1:00 p.m., Wednesday, January 30, 2019, the eighteenth legislative day. Motion carried.

Senate adjourned at 1:52 p.m.

MARILYN MILLER  
Secretary of the Senate

SCOTT SALES  
President of the Senate